

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Alexander Khairkahan (*as amended*)

Group Art Unit: 3738

Serial Number: 10/791,916

Examiner: Alvin J. Stewart

Filing Date: March 3, 2004

CONFIRMATION NO: 3842

Title: INFLATABLE VENTRICULAR
PARTITIONING DEVICE

ELECTRONICALLY FILED ON: JUNE 27, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

REQUEST FOR CORRECTION OF INVENTORSHIP
IN A PATENT APPLICATION
UNDER 37 CFR §1.48

Sir:

Applicant(s) hereby request(s) that the inventorship of the above-referenced patent application be amended pursuant to 37 C.F.R. §1.48 to name only the actual inventors.

☐ The Office is requested to amend the inventorship to **ADD** the following omitted inventor(s):

☒ The Office is requested to amend the inventorship to **DELETE** the following omitted inventor(s): Hugh R. Sharkey

This application is a nonprovisional patent application, other than a reissue application, pursuant to 35 U.S.C. § 116.

☒ **37 C.F.R. 1.48(a). Correction of inventorship for Nonprovisional application after the oath/declaration is filed.** The inventive entity was set forth in error in an executed oath or declaration under 37 C.F.R. § 1.63 in a nonprovisional application. This error arose without deceptive intent on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor.

In support of this Request, Applicant(s) provide(s):

- ☒ (1) A statement from each person being added as an inventor and/or from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- ☒ (2) An oath or declaration by the actual inventor or inventors as required by 37 C.F.R. § 1.63, or as permitted by §§ 1.42, 1.43 or 1.47;
- ☒ (3) The processing fee set forth in 37 C.F.R. § 1.17(i); and
- ☒ (4) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

☐ **37 C.F.R. 1.48(b). Correction of inventorship for Nonprovisional application — fewer inventors due to amendment or cancellation of claims.** The correct inventors were named in the nonprovisional application and the prosecution of the nonprovisional application resulted in the amendment or cancellation of the claims so that fewer than all of the currently named inventors are the actual inventors of the invention being claims.

In support of this Request, Applicant(s) provide:

- ☐ (1) By signature of a party set forth in 37 C.F.R. § 1.33(b) to this Request for Correction of Inventorship, Applicant(s) acknowledge that the inventor(s) invention is no longer being claimed in this nonprovisional application; and
- ☐ (2) The processing fee set forth in 37 C.F.R. § 1.17(i).

☐ **37 C.F.R. 1.48(c). Correction of inventorship for Nonprovisional application — inventors added for claims to previously unclaimed subject matter.** The nonprovisional application discloses unclaimed subject matter by an inventor or inventors not named in the application.

In support of this Request, Applicant(s) provide(s):

- ☐ (1) A statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intent on his or her part;
- ☐ (2) An oath or declaration by the actual inventors as required by 37 C.F.R. § 1.63, or as permitted by §§ 1.42, 1.43 or 1.47;
- ☐ (3) The processing fee set forth in 37 C.F.R. § 1.17(i); and
- ☐ (4) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

☐ **37 C.F.R. 1.48(f). Correction of inventorship for Nonprovisional application — filing executed oath/declaration corrects inventorship.** The correct inventors were not named on filing the nonprovisional application under 1.53(b) which was filed without an executed oath or declaration under 1.63.

In support of this Request, Applicant(s) provide(s):


- ☐ (1) An originally executed Declaration and Oath naming all the inventors.

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$ 130 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 33108-703.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: June 27, 2006

By: 
Peggy Rader
Reg. No. 57,258

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971

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STATEMENT FROM EACH PERSON BEING DELETED
PURSUANT TO 37 CFR §1.48

I, Hugh R. Sharkey, declare as follows:

1. Upon review of the specification and claims presently pending in the above-referenced patent application, it is my belief that I am not an inventor of the claimed subject matter described in the pending patent application. The original declaration filed for the above-identified application included me as an inventor in error.

2. The error in inventorship occurred without deceptive intent on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 20 JUN 06

By: 

Hugh R. Sharkey
President & CEO
CardioKinetix Inc.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration Submitted With Initial Filing **OR** ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e) required))

Attorney Docket Number	33108-703.201
First Named Inventor	Alexander Khairkhan
COMPLETE IF KNOWN	
Application Number	10/791,916
Filing Date	March 3, 2004
Art Unit	3738
Examiner Name	Alvin J. Stewart

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

INFLATABLE VENTRICULAR PARTITIONING DEVICE

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 03/03/2004 as United States Application Number or PCT International

Application Number 10/791,916 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

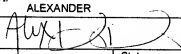
☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> Address associated with Customer Number		021971	OR <input type="checkbox"/> Correspondence address below	
Name				
Address				
Address				
City		State	ZIP	
Country	Telephone	Fax	Email	
		650-493-6811	@wsgr.com	
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>				
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
ALEXANDER		KHAIRKHAHAN		
Inventor's Signature 		Date June 20, 2006		
Residence: City	State	Country	Citizenship	
Palo Alto	California	USA	USA	
Mailing Address				
1105 Lincoln Avenue				
City	State	ZIP	Country	
Palo Alto	California	94302	USA	
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
Inventor's Signature		Date		
Residence: City	State	Country	Citizenship	
Mailing Address				
City	State	ZIP	Country	
<input type="checkbox"/> Additional inventors or legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto:				

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CONSENT OF ASSIGNEE TO AMENDMENT OF INVENTORSHIP
PURSUANT TO 37 CFR §1.48

CARDIOKINETIX, INC. states that it is:

- ☒ The assignee of the entire right, title and interest, or
- ☐ An assignee of less than the entire right, title and interest. The extent of ownership is %,

in the patent application identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the U.S. Patent and Trademark Office at Reel 015009, Frame 0417, or for which a copy thereof is attached.

—OR—

- ☐ A chain of title from the inventor(s), of the patent application to the current assignee is as follows:

1. From: TO:

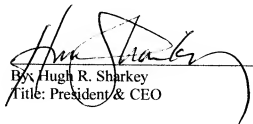
Recorded in the U.S. Patent and Trademark Office at Reel , Frame ,
or for which a copy is attached.

- ☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned is authorized to act on behalf of the Assignee.

The Assignee hereby assents to the Amendment of Inventorship requested in Request for Correction of Inventorship in a Patent Application, in the above-referenced application, filed herewith.

Dated: 20 JUN 06


By: Hugh R. Sharkey
Title: President & CEO